

House Bill 886

By: Representatives Murphy of the 23<sup>rd</sup>, Coan of the 101<sup>st</sup>, Hill of the 21<sup>st</sup>, Wilkinson of the 52<sup>nd</sup>, O'Neal of the 146<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to the  
2 State Sexual Offender Registry, so as to provide for definitions; to authorize the  
3 establishment and operation of a program for the continuous satellite based monitoring of  
4 certain serious sexual offenders; to provide for rules, regulations, guidelines, and fees; to  
5 require the participation of certain offenders in such program and to provide for sentencing,  
6 probation, and parole conditions; to provide for contracts; to provide for minimum  
7 requirements for the system and its technology; to prohibit tampering with, removal, or  
8 vandalism of certain devices or aiding, abetting, or assisting in such proscribed conduct; to  
9 provide for penalties; to provide for applicability; to provide for the dissemination and use  
10 of information; to provide for other matters relating to the foregoing; to repeal conflicting  
11 laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to the State Sexual  
15 Offender Registry, is amended by adding at the end thereof a new subsection (o) to read as  
16 follows:

17 "(o)(1) As used in this subsection, the term:

18 (A) 'Serious sexual offender' means any person who is convicted in this state on or  
19 after July 1, 2005, of any serious sexual offense; any person who is convicted in another  
20 state or jurisdiction on or after July 1, 2005, of any offense which would constitute a  
21 serious sexual offense if committed in this state; and any person who has been released  
22 on probation or parole following a conviction for any serious sexual offense and who  
23 continues to be subject to supervision by the State Board of Pardons and Paroles.

24 (B) 'Serious sexual offense' means and includes any criminal offense against a victim  
25 who is a minor as defined in subparagraph (B) of paragraph (4) of subsection (a) of this

1 Code section and any sexually violent offense as defined in paragraph (7) of subsection  
2 (a) of this Code section.

3 (2)(A) The Department of Corrections and the State Board of Pardons and Paroles are  
4 authorized to jointly establish and participate in a serious and violent sexual offender  
5 monitoring program. The program shall be administered by the Department of  
6 Corrections. The Board of Corrections is authorized to promulgate and adopt rules and  
7 regulations governing the operation of such program. Such rules shall be adopted in  
8 consultation with the State Board of Pardons and Paroles.

9 (B) By January 1, 2006, the Board of Corrections, in consultation with the State Board  
10 of Pardons and Paroles and state and local law enforcement agencies, shall develop  
11 implementing rules, guidelines, fees, and procedures for the continuous satellite based  
12 monitoring of serious sexual offenders. Such system shall provide, at a minimum:

13 (i) Time correlated and continuous tracking of the geographic location of the subject  
14 using a Global Positioning System based on satellite and other location tracking  
15 technology;

16 (ii) Reporting of the subject's violation of any location or time restrictions which  
17 have been imposed on the subject with the frequency of reporting ranging from once  
18 a day to near real-time reporting; and

19 (iii) An automated system that provides state and local law enforcement agencies and  
20 correctional agencies with an electronic alert when a comparison of the geographic  
21 positions of monitored subjects with reported crime incidents reveals that the subject  
22 was at or near such reported crime incidents. These alerts are to enable authorities to  
23 include or exclude monitored subjects from an ongoing investigation.

24 (C) Prior to January 1, 2006, or as soon thereafter as funds are appropriated or become  
25 available for such purpose, the Department of Corrections shall contract with a single  
26 vendor for the installation of the hardware, browser based software, and integration  
27 services needed to monitor subject offenders and correlate their movements to reported  
28 crime incidents using a system meeting the requirements of subparagraph (B) of this  
29 paragraph.

30 (D) The Board of Corrections, in consultation with the State Board of Pardons and  
31 Paroles, is authorized to establish, impose, and collect fees to be charged to and  
32 collected from those persons enrolled in the location tracking and crime correlation  
33 based monitoring and supervision program. Such fees shall be reasonable in amount  
34 and shall be fixed in an amount determined to be necessary to reimburse the state for  
35 the costs of establishing and operating such program. Fees may be waived for any  
36 person who is determined, under rules established by the Board of Corrections, to be

1 unable to pay such fees. Such fees may be assessed and collected on a daily, weekly,  
2 or monthly basis as determined by the Board of Corrections.

3 (3)(A) Each person convicted of a serious sexual offense committed on or after July  
4 1, 2005, shall be required, as a part of any sentence, to submit upon his or her release  
5 from incarceration to a location tracking and crime correlation based monitoring and  
6 supervision program consistent with this subsection. The sentencing court may deviate  
7 from such requirement upon a finding that such order is not in the interest of justice.  
8 The failure of a court to order a defendant to participate in such a program shall not  
9 prevent the State Board of Pardons and Paroles or the Department of Corrections from  
10 independently mandating participation pursuant to their authority under this subsection.

11 (B) The State Board of Pardons and Paroles shall require, as a mandatory condition of  
12 release for any person convicted of a serious sexual offense, that each such person  
13 released under its supervision be enrolled in a satellite based monitoring program for  
14 the full extent of his or her term of parole.

15 (4) Any person who is duly enrolled in a location tracking and crime correlation based  
16 monitoring and supervision program and who intentionally tampers with, removes, or  
17 vandalizes a device issued pursuant to such a program shall be guilty of a misdemeanor  
18 on the first offense. Any person who is duly enrolled in a location tracking and crime  
19 correlation based monitoring and supervision program and who for the second or  
20 subsequent time intentionally tampers with, removes, or vandalizes a device issued  
21 pursuant to such a program shall be guilty of a felony and, upon conviction, shall be  
22 punished by imprisonment for not less than one nor more than five years.

23 (5) Any person who knowingly aids, abets, or assists a person duly enrolled in a location  
24 tracking and crime correlation based monitoring and supervision program to tamper with,  
25 remove, or vandalize a device issued pursuant to such program shall be guilty of a  
26 misdemeanor.

27 (6) This subsection shall also apply to any person transferred to this state from another  
28 state pursuant to any interstate compact for the supervision of persons who are on parole  
29 or probation for any offense which would require enrollment in the location tracking and  
30 crime correlation based monitoring and supervision program if the offense had been  
31 committed in this state.

32 (7) The Department of Corrections, the State Board of Pardons and Paroles, the Georgia  
33 Bureau of Investigation, the Georgia Crime Information Center, and all state and local  
34 law enforcement agencies and officers are authorized to share criminal incident  
35 information , limited to time, place, and nature of the crime, with each other and the  
36 vendor selected by the Department of Corrections to carry out the purposes of this  
37 subsection. The Board of Corrections and the Department of Corrections are authorized

1 to direct the vendor so chosen to implement this subsection to use the data collected from  
2 the program to prepare correlation reports for distribution to and use by state and local  
3 law enforcement agencies and officers."

4 **SECTION 2.**

5 All laws and parts of laws in conflict with this Act are repealed.